

Quarles & Brady
Streich Lang LLP

Renaissance One
 Two North Central Avenue
 Phoenix, Arizona 85004-2391
 602.229.5200
 Fax 602.229.5690
 www.quarles.com

Attorneys at Law in
 Milwaukee and Madison, Wisconsin
 Naples and Boca Raton, Florida
 Phoenix and Tucson, Arizona
 Chicago, Illinois

RECEIVED
 CENTRAL FAX CENTER

SEP 12 2005

Facsimile Transmission Form

Date: September 12, 2005

To:	Fax No.	Phone No.
Name Company/Firm City, State Zip Country	U.S. Patent and Trademark Office Attn: Petitions	571-273-8300

From:	Robert D. Atkins	602-229-5690	602-229-5311
Re:	USSN: 10/782,606 Farinella et al.		

Message:

IF YOU HAVE PROBLEMS RECEIVING THIS FACSIMILE, PLEASE CALL US IMMEDIATELY AT:
 602.229.5361

No. of Pages (Including Cover): <u>8</u>	Job Code: _____
Client - Matter No.: <u>121357.00003</u>	Time Keeper: <u>RATKINS</u>
Recipient: _____	Return To: <u>MONEILL</u>
Requestor Name: _____	Phone No.: _____

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA REGULAR POSTAL SERVICE. THANK YOU.

RECEIVED
 OIPE/IAP

SEP 13 2005

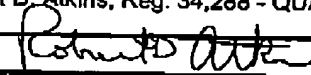
BEST AVAILABLE COPY

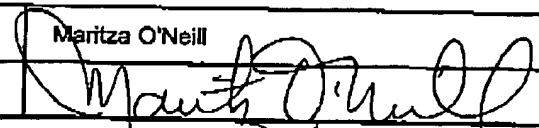
(04-04)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/782,606	
	Filing Date	February 18, 2004	
	First Named Inventor	Farinella, Maureen M.	
	Art Unit	2841	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	121357.00003

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert D. Atkins, Reg. 34,288 - QUARLES & BRADY STREICH LANG LLP
Signature	
Date	September 12, 2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Maritza O'Neill
Signature	
Date	Sept. 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

951318

SEP 12 2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/782,606
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	February 18, 2004
TOTAL AMOUNT OF PAYMENT (\$)		130.00	
		First Named Inventor	Farinella, Maureen M.
		Examiner Name	To be assigned
		Art Unit	2841
		Attorney Docket No.	121357.00003

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 17-0055 Deposit Account Name: Quarles & Brady LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.15(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: (1464) Petition Fee

\$130

SUBMITTED BY			
Signature	<i>Robert D. Atkins</i>	Registration No. 34,288 (Attorney/Agent)	Telephone 602-229-5311
Name (Print/Type)	Robert D. Atkins		Date Sept 12, 2005

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1951323

SEP 12 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Maureen M. Farinella *et al.*
Application No. : 10/782,606
Date of Filing : February 18, 2004
Title : *BOOKMARK WITH INTEGRATED ELECTRONIC TIMER
AND METHOD THEREFOR*
USPTO Customer No. : 26707
Group Art Unit : 2841
Examiner : To be assigned
Attorney Docket No. : 121357.00003

PETITION TO MAKE SPECIAL
UNDER MPEP 708.02 AND 37 CFR § 1.102 (d)

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.102(d) to advance the examination of the above-identified application. Applicants have learned that a direct competitor is selling an infringing product in the market.

A rigid comparison of the infringing product with the claims of the application has been made, and the claims are believed to be unquestionably infringed by the competitor's product. The market for the products claimed in the pending application is dynamic and the Applicant is suffering irreparable harm to its business each day the infringing products are on the market.

In addition, Applicant's attorney has made a careful and thorough search of the prior art and has good knowledge of the same. The pertinent prior art references are included with the Information Disclosure Statement being filed concurrently herewith.

09/13/2005 SFELEKE1 00000034 170055 10782606

01 FC:1464 130.00 DA

QBPHX\1951316.1

U.S. Application Serial No. 10/782,606
Maureen M. Farinella *et al.*
Petition to Make Special

Thus, applicant respectfully submits having met the requirements under MPEP Section 708.02 and 37 C.F.R. 1.102(d), and therefore respectfully solicits the granting of this Petition to Make Special.

Respectfully submitted,
QUARLES & BRADY STREICH LANG LLP

September 12, 2005

By: 

Robert D. Atkins
Reg. No. 34,288

Address all correspondence to:
Robert D. Atkins
One Renaissance Square
Two North Central Avenue
Phoenix, AZ 85004
Telephone: 602-229-5311
Facsimile: 602-229-5690
E-mail: rda@quarles.com